

In the Court of Appeals of the State of Alaska

Basil Backford,

Appellant,

v.

State of Alaska,

Appellee.

Court of Appeals No. **A-12995**

Order

Motion to Supplement Designation of
Transcript

Date of Order: **8/16/2019**

Trial Court Case No. **3DI-15-00307CR**

This appeal is currently stayed to allow the Appellant, Basil J. Backford, the opportunity to retain counsel. Mr. Backford, however, recently filed what he is calling a motion to change the trial court venue, and a notice that he believes that the trial court record has been altered.

Mr. Backford's motion for a change of trial court venue is based, among other things, on his claim that the trial court record has been altered, and on a ruling the trial court made in a September 2018 representation hearing. Based on his pleading, it appears that Mr. Backford is seeking to challenge for cause the trial court judge. Because this type of challenge must be made in the trial court, Mr. Backford's motion for a change of trial court venue is **DENIED**. If Mr. Backford wishes to pursue this issue, he must file a challenge for cause in the trial court.

Regarding the notice that Mr. Backford believes the trial court record has been altered, Mr. Backford does not ask this Court for any remedy. This Court notes, however, that Mr. Backford, among other things, appears to be citing to the trial court log notes of the trial court proceedings, and based on those notes, he claims that statements he recalls that he or others made during those proceedings are missing. But the trial court log notes are not a verbatim transcript of trial court proceedings, nor are

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they intended to be. Instead, log notes are just that — notes made by the trial court clerk that designate the approximate time that events occurred during the trial court proceedings. To determine what actually was said or done during those proceedings, a party must listen to the audio recording that corresponds to the log notes. Among other things, when appealing a trial court judgment, parties use the log notes to determine which portions of the proceedings to designate for transcription. Mr. Backford has other examples of what he believes show that parts of the record are missing, but this Court, based on his pleadings, is unable to discern the alterations he believes occurred.

In any event, this Court will not further address this particular issue until Mr. Backford has retained, or has been appointed, an attorney, and the stay in this case is lifted.

Entered under the authority of Chief Judge Allard.

Clerk of the Appellate Courts

A handwritten signature in dark ink, appearing to read "K. Roberts", written over a horizontal line.

Kyle Roberts, Deputy Clerk

Distribution:

Mail:
Backford, Basil
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